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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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MAR 13 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	MM Docket No. 92-195
)	
Amendment of Section 73.202(b))	RM-7091
Table of Allotments)	RM-7146
FM Broadcast Stations)	RM-8123
(Beverly Hills, Chiefland, Holiday,)	RM-8124
Micanopy, and Sarasota, Florida))	

TO: The Commission

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SUPPLEMENT TO OPPOSITION TO APPLICATION FOR REVIEW

Dickerson Broadcasting, Inc. (Dickerson), the licensee of WEAG-FM, Starke, Florida filed an Application for Review of the *Report and Order*, 8 FCC Rcd. 2197 (*R&O*) and *Memorandum Opinion and Order*, 8 FCC Rcd. 8515 (released December 8, 1993)(*MO&O*).¹ Sarasota-FM, Inc., the licensee of WSRZ, Sarasota, Florida;² Gator Broadcasting Corporation, the licensee of WRRX, Micanopy, Florida; and Heart of Citrus, Inc., the licensee of WXOF, Beverly Hills, Florida (Heart of Citrus), filed a Joint Opposition to Application for Review on February 4, 1994. Dickerson filed a Consolidated Reply of Dickerson Broadcasting, Inc. to Oppositions to Application for Review on February 28, 1994.

¹ The *MO&O* proposes the following allocations: Beverly Hills, Florida (Channel 292C3), Chiefland, Florida (Channel 300A), Holiday, Florida (Channel 246C2), Micanopy, Florida (Channel 247C2), Sarasota, Florida (Channels 273C, 288A, 293C2).

² New Wave Communications, L.P. is the new successor-in-interest and licensee of WSRZ.

Heart of Citrus submits this supplement in an effort to assist resolution of this proceeding. Dickerson's concern is that the substitution of Channel 292C3 for 246A in Beverly Hills does not afford adequate mileage separation to allow Dickerson to upgrade Station WEAG-FM to a 6 kw Class A facility. Dickerson specifically notes in his Application for Review at footnote 3:

Indeed, for the record, Dickerson hereby advises the Commission and all parties hereto that, if Dickerson is assured the full measure of protection of the current mileage separations (as opposed to the mileage separations in effect prior to October 2, 1989) Dickerson will withdraw the instant application for review.³

Heart of Citrus is willing to provide Dickerson the protection he requests. Specifically, Heart of Citrus is willing to accept a *conditional* construction permit to operate on Channel 292C3 to include the following conditions:

- 1) Heart of Citrus will agree to protect WEAG from its current site as a full 6 kw station.
- 2) Heart of Citrus is willing to accept issuance of a construction permit conditioned on the ultimate outcome of MM Docket 92-195.

Heart of Citrus filed on March 7, 1994 (File No. BPH-940307IZ) a minor change application seeking authorization to upgrade its facilities from a Class A to a Class C3 facility on Channel 292C3. The pending application fully protects WEAG as a full 6 kw station.⁴

³ See also, Dickerson's Petition for Reconsideration at page 8, "If Beverly Hills becomes a C3 on Channel 292C3, Dickerson requests that they must protect WEAG by contour protection under 73.215 as a 6 kw Class A...."

⁴ The minor change engineering application filed by Heart of Citrus states, "It should be noted the instant application requests processing under Section 73.215 with respect to Station WEAG-FM, Channel 292A, Starke, Florida. In an effort to eliminate the pending objection filed by Station WEAG-FM (Dickerson Broadcasting) against the channel change in Beverly Hills, Heart of Citrus, Inc. has designed a facility that provides full 6 kw protection to Station WEAG-FM." *Id. Engineering Statement at ¶1.0.*

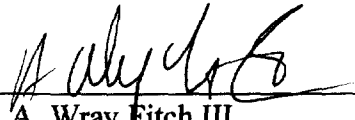
Heart of Citrus is willing to accept a conditional construction permit mooted the concerns of Dickerson and allowing for an expeditious grant of Heart of Citrus' pending application. The public interest is clearly benefited by grant of Heart of Citrus' conditional construction permit, as well as the other upgrade applications currently pending.⁵ This will allow for vastly improved service to Central Florida.

Respectfully submitted,

HEART OF CITRUS, INC.

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By


A. Wray Fitch III
Its Attorney

March 13, 1996

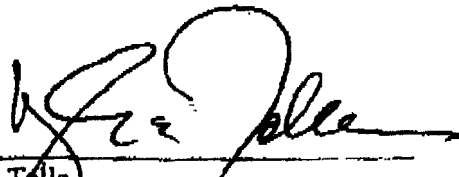
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⁵ Both WRRX (File No. BMPH-940901IB) and WSRZ (File No. BMPH-940323IC) have pending modification applications on file.

ACKNOWLEDGEMENT

I have reviewed the foregoing Supplement to Opposition to Application for Review. Heart of Citrus, Inc. is willing to accept a conditional construction permit as described therein.

3/13/96
Date



Hugh E. Tolle
Heart of Citrus, Inc.

CERTIFICATE OF SERVICE

I, Janet Shih, in the law offices of Gammon & Grange, P.C., hereby certify that I have sent this 13th day of February 1996, by first-class, postage prepaid, U.S. Mail, copies of the foregoing SUPPLEMENT TO OPPOSITION TO APPLICATION FOR REVIEW to the following:

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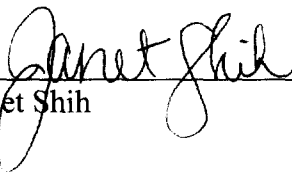
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March 13, 1996

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